

THIS DISPOSITION IS NOT
CITABLE AS PRECEDENT OF
THE TTAB

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2002

Paper No.

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PTH

UNITED STATES PATENT AND TRADEMARK OFFICE

Trademark Trial and Appeal Board

Cunard Line Limited
v.
Cyrus Milanian

Opposition No. 116,277
to application Serial No. 75/526,403
filed on July 28, 1998

Request for Reconsideration

Jeffrey R. Cohen of Millen, White, Zelano & Branigan for
Cunard Line Limited.

John H. Poltman and Frank L. Kubler of Oltman, Flynn &
Kubler for Cyrus Milanian.

Before Hairston, Walters and Rogers, Administrative
Trademark Judges.

Opinion by Hairston, Administrative Trademark Judge:

Applicant has filed a timely request for
reconsideration of the Board's March 29, 2002 decision,

which sustained the opposition under Trademark Act Section 2(d).

In particular, applicant contends that to the extent that the customers of the parties' respective services overlap, such customers would be sophisticated, and thus, there is no likelihood of confusion. Further, applicant contends that there is no likelihood of confusion in this case because the parties' respective services travel in different channels of trade. Applicant's contentions are in essence a rehash of arguments made in its brief on the case and at oral argument.

As noted in our decision, we recognize that applicant's business management, product merchandising and real estate development services would be directed to business/property owners and investors. However, we are not convinced that all business/property owners and investors are sophisticated purchasers. These classes of purchasers may include sole proprietors, "mom and pop" type business owners, persons who own a single commercial property, and small investors. In other words, the classes of purchasers of applicant's services may include persons who are not sophisticated and these persons may also be purchasers of opposer's cruise and travel related services.

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With respect to applicant's contention regarding the channels of trade, as noted in our decision, it is not necessary that the parties' goods/services travel in the same channels of trade to support a holding of likelihood of confusion. In view of the other factors favoring a likelihood of confusion in this case, we perceive no error in our decision simply because the parties' services may travel in different channels of trade.

Inasmuch as applicant has not established any legal error in our decision sustaining the opposition, the request for reconsideration is denied.